

02/15/02
JC950
U.S.

02-19-02

2

Priority

CERTIFICATE OF MAILING

Date: February 15, 2002
Express Mailing Label No.: EL796119105

PATENT
Docket No. 380153-78

02/15/02
JC950
U.S.
10/077616

I hereby certify that on the date listed above, this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service in accordance with 37 C.F.R. § 1.10 as "Express Mail Post Office to Addressee," with sufficient postage in an envelope addressed to: Commissioner for Patents, Washington, DC 20231.

Trude Thompson

Allison Wright

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT APPLICATION TRANSMITTAL

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of inventor(s):
Yoshiaki Togawa

For: PARTICLE SIZE DISTRIBUTION MEASURING APPARATUS

1. Type of Application

This new application is for a(n)

Original (non provisional)
 Design
 Plant
 Continuation-in-part (CIP)

2. Benefit of Prior U.S. Application(s) (35 USC §§ 119(e), 120, or 121)

The new application being transmitted claims the benefit of prior U.S. applications. Enclosed is a NEW APPLICATION WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) IS CLAIMED.

3. Papers Enclosed

A.

11 pages of specification
2 pages of claims
5 sheets of drawings (do not submit original drawings)
(complete the following, if applicable)

The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 CFR 1.84(b).

B. Other Papers Enclosed

2 Pages of declaration and power of attorney
1 Pages of abstract
 Other – Power of Attorney by Assignee

4. **Declaration or oath (including power of attorney)**

Enclosed
 Executed by inventor(s)

5. **Inventorship Statement**

Inventorship for all the claims in this application are:

The same.

6. **Assignment**

An assignment of the invention to Horiba, Ltd.
 is attached.
 was filed in parent application
 will follow.

7. **Fee Calculation**

A. Regular application

CLAIMS AS FILED					
Number filed	Number Extra	Rate		Basic Fee 37 CFR § 1.16(a)/	
		Large Entity	Small Entity	Large Entity \$740.00	Small Entity \$370.00
Total Claims (37 CFR § 1.16(c))	6-20=0	x \$18.00=	x \$9.00 =	0.00	
Independent Claims (37 CFR § 1.16(b))	1-3=0	x \$84.00=	x \$42.00 =	0.00	
Multiple dependent claims(s), if any (37 CFR § 1.16(d))			+ \$280.00=	0.00	

An amendment canceling extra claims is enclosed.
 An amendment deleting multiple-dependencies is enclosed.
 The fee for extra claims is not being paid at this time

Filing Fee Calculation \$ 740.00

B. Design application (\$330-37 CFR§1.16(f)) \$
C. Plant application (\$540-37 CFR§1.16(g)) \$

8. **Small Entity Statement(s)**

Applicant claims small entity status. See 37 CFR 1.27

9. **Fee Payment Being Made at Time**

Not Enclosed
 No filing fee is to be paid at this time.
 Enclosed
 Filing Fee \$ 740.00

10. **Method of Payment of Fees**

A check in the amount of \$ _____ is enclosed.
 Charge Deposit Account No. 50-1901 in the amount of \$ \$740.00.
A duplicate of this transmittal is attached.

11. Request and Certification under 35 USC §122 (b)(2)(B)(i) (Non-publication Request)

12. Authorization to Charge Additional Fees

(If no fees are to be paid on filing, the following items should not be completed)

The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 50-1901.

37 CFR§§1.16(a), (f), or (g) (Filing fees)
 37 CFR§§1.16(b), (c), and (d) (presentation of extra claims)
 37 CFR§§1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
 37 CFR§§1.17(a)(1)-(5) (extension fees pursuant to §1.136(a))
 37 CFR§§1.17 (application processing fees)
 37 CFR§§1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR§1.1311(b))

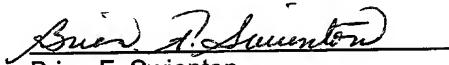
13. Instructions as to Overpayment

Credit Account No. 50-1901
 Refund

14. Correspondence Address

Customer Number. 25204

Respectfully submitted,



Brian F. Swienton
Registration No. 49,030

February 15, 2002

OPPENHEIMER WOLFF & DONNELLY LLP
840 Newport Center Drive, Suite 700
Newport Beach, CA 92660
Telephone: 949.823.6000
Facsimile: 949.823.6100